

AA. COMMENTS FROM JODDI LEIPNER

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**CITY OF SANTA BARBARA
PLANNING DIVISION**

December 15, 2004

Ms. Irma Unzueta
City of Santa Barbara
Community Development Department - Planning Division
P.O. Box 1990
Santa Barbara, CA 93102-1990

Re: Santa Barbara Cottage Seismic Compliance and Modernization Plan Draft EIR (SCH
No. 2003101075) – DEIR Comments

Dear Irma:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the SBCH Seismic Compliance and Modernization Plan. Although my letter raises serious concerns regarding the impact analyses and proposed mitigation measures for Cottage hospital's project, I will begin by once again going on record in support of the project. It is my conviction that you can clearly be in support of this project, but still seek to improve it. Constructive criticism can build creativity. In offering the following comments and suggested mitigation measures my goal is to ensure that the impacts to the neighborhood are accurately and adequately represented and disclosed in the EIR and that every effort is under taken by Cottage and the City to ensure that the neighborhood will be duly protected from the significant construction and operational impacts associated with this important project.

Included in this letter is an identification of major general deficiencies observed in the EIR as well as specific detailed comments on the technical analyses. I provide these comments based on my educational and professional experience which includes a BS degree in environmental studies, a MA degree in geography, over 20 years experience as an environmental planner and land use planner, and as a project manager responsible for the preparation and manager of numerous environmental documents (NDs and EIRs) over the course of my career.

I. GENERAL COMMENTS

Inadequate Project Description

As discussed in the CEQA Guidelines an accurate, stable, finite, project description is an essential element of an informative and legally sufficient EIR under CEQA. The project description included in the DEIR is inadequate and fails to discuss important elements of the project that are critical to an accurate and complete analysis. Specifically the following elements of the hospital's current and proposed operations have not been adequately defined.

AA-1

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| <ul style="list-style-type: none"> • No information is provided on existing and proposed special events (baby fair, telethons, Lamaze classes, other educational programs). The project description must identify what types and volumes of special activities are allowed under the current permit and what is proposed upon buildout of the Specific Plan. The baby fair has been historically held in parking lot 1 and along Castillo Street between Pueblo and Bath. Where will this and other special events be held as a part of the proposed project? I believe these programs provide essential health education to the community and should be continued but the impacts must also be assessed. | AA-2 |
| <ul style="list-style-type: none"> • The project description fails to include information regarding and fails to analyze the impacts of the future use of the Knapp building (Knapp Physician's Practice), the Fletcher Building, and the out patient surgery facility all owned and operated by Cottage. | AA-3 |
| <ul style="list-style-type: none"> • The project description does not adequately account for or adequately analyze impacts resulting from the future use of the portion of the 6-story hospital that is proposed to be retained and not retrofitted. | AA-4 |
| <ul style="list-style-type: none"> • The project description fails to identify all property within the Oak Park area owned and/or operated by Cottage and how those properties relate to the hospitals reconstruction. Under what permits will other Cottage facilities (e.g., out patient surgery) not located in the Specific Plan boundary operate? Why will medical offices (proposed Knapp Physicians Practice) within the Specific Plan be rezoned hospital zone district while immediately adjacent medical offices remain C-O? Will the Rehabilitation Institute, which is located on land owned by Cottage, operate under a CUP? | AA-5 |
| <ul style="list-style-type: none"> • The project description does not identify operating hours of the hospital and related services. The project description does not identify the number of employees present onsite during day and evening shifts and the start time and duration of shifts. This information is critical to analyzing parking and traffic impacts. For example the overlapping shifts contribute significantly to deficiencies in parking. | AA-6 |
| <ul style="list-style-type: none"> • The project description must include a table showing existing and proposed hospital departments and services, existing and proposed employees, existing square footage and proposed square footage and compare this square footage to OSHPD requirements. Without this information, the City cannot substantiate the EIR's claim that there is no expansion of use associated with the 400,000+ sf of new development. | AA-7 |
| <ul style="list-style-type: none"> • The project description is inadequate and incomplete with respect to the details regarding how the garages will operate. Will the garage be manned; will the public be charged a fee? | AA-8 |
| <ul style="list-style-type: none"> • The project description is inadequate with respect to the specifications and development standards of the Specific Plan, the Development Agreement, and the new Hospital Zone District. These planning documents as well as the actual hospital development are a part of the project description and their impacts must be identified in EIR. Only the bare skeletons of these documents have been presented and most of the key elements of these documents are missing therefore, the impacts of the Specific Plan and rezone cannot be adequately assessed. | AA-9 |
| <ul style="list-style-type: none"> ◆ Changes to the project description have been suggested outside of the EIR process (e.g., during Planning Commission and ABR meetings) which in many cases | AA-10 ↓ |

significantly increase adverse effects on the surrounding neighborhood (visual, noise, vibrations, etc.).

↑ AA-10

- ◆ The maps included in the EIR are also inadequate since the full extent of the surrounding residential development is not shown. Without an adequate land use context it is impossible to assess bulk and scale and land use compatibility. The nine homes along/ near Parkway Drive and Los Olivos which are most affected by the Pueblo Parking structure and by future helicopter operations are not shown on the proposed site plans. In addition, no architectural renderings are included in the document for any of the proposed facilities.

AA-11

The DEIR fails to Address Significant Comments Raised by the Public in Response to the NOP

CEQA Guidelines Section 15083 specifically encourages the lead agency to consult with the public regarding the environmental effects of the project. Specifically, in response to the NOP, I submitted a 30-page letter with detailed comments on the proposed scope of the EIR. The comment letter included numerous suggested mitigation measures. Although the points of public controversy are briefly summarized in the EIR introduction, the DEIR failed to include any letters (either from the public or other responsible or trustee agencies) received on the NOP, making it appear that the scope as proposed was adequate, that there was no public or regulatory concerns regarding the project, and making it impossible to determine whether the DEIR adequately responds to the comments.

AA-12

The DEIR Uses an Inaccurate Project Baseline

CEQA Guidelines section 15125(a) states: "An EIR must include a description of the physical environmental conditions in the vicinity of the project at the time the notice of preparation is published...". This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The DEIR should clearly represent the baseline for each issue area. Without a proper baseline future impacts cannot be adequately assessed. It appears the DEIR uses the licensed bed capacity of 456 beds, which represents an inaccurate baseline. Use of an improper baseline results in a significant underestimation of project impacts.

AA-13

Information regarding the bed count in the EIR and in other documents leaves the public in confusion regarding the number of licensed beds, how many beds are physically present, peak occupancy or average occupancy now and as proposed.

Use of the licensed bed count of 456 beds is improper based on the following evidence:

The hospital has never physically¹ achieved this level of operation and the neighborhood surrounding the hospital has never experienced the traffic volumes or parking demands associated with this level of operation². In the Cottage's presentations before the City Council and Planning Commission (as quoted in this EIR³), Cottage representatives have indicated that they are unable to fully utilize their licensed beds due to situations where there is an imbalance in the number of male or female patients or where there are issues related to infectious patients.

In addition, as supported by hospital's patient volume number, this licensed bed count has never been achieved. In my research, no prior environmental review used the 456 licensed bed count as an environmental baseline. Further Cottage has indicated that their facilities are currently substandard with respect to current OSHPD requirements necessitating the 415,000 square feet of new development to meet OSHPD standards for a 337 bed hospital⁴. Therefore operations at the 456 bed level would worsen existing substandard operating conditions.

Under the project description contained in the initial study, Cottage states the average number of patients in the hospital has trended downward by about 10 patients per day. Cottage best projection of future inpatient volume is an average daily census of 226 patients. Therefore, it is inappropriate to suggest that the environmental baseline should be 456 beds (230 above future predicted levels with the inclusion of the closure of St. Francis). The Fairview Neighbors case, in which baseline was determined to be permitted levels within a CUP, is not applicable to this project. This hospital has not and does not have the capacity, or the patient base to support operations at a 456 bed level. You cannot "mine" new patients.

AA-13

¹ E-mail from Gary Wilde (former SBCH Vice President) to Joddi Leipner dated 11/29/03, "The analysis of client accommodations shows the number of beds physically in place at 366..."
SB New Press 2/10/04, "Patient load eases off at hospitals". In an article following the surge in flu related illnesses last year, Cottage Hospital Public Affairs Officer, Janet O'Neill reported the following: "The hospital has 307 beds available but needs to keep some empty in case they are needed in and emergency". In a public relations document released by Cottage for the hospital expansion project, Cottage stated "we decrease beds from about 350 to 330..."

² In 1984, in response to the draft EIR on the Centennial Plan, the then Associate Administrator of Operations stated the following:

"The health care industry is currently under severe financial pressures to treat patients on an outpatient basis and to discharge inpatients as soon as possible and I see nothing but an acceleration of these trends in the next few years. Additionally, hospitals are under such stringent licensing requirements that space designed and built for one purpose cannot readily be converted to another use without significant expense and effort."

³ DEIR Page 3-11, "It is not possible for all beds in a multi-bed room to be fully occupied due to limitation on mixing of genders, types of treatment, and the need for patient isolation".

⁴ DEIR Page 3-11, "When OSHPD standards are coupled with numerous other building code and infrastructure mandates in the Alquist Seismic Safety Act, hospitals require more overall square footage today than in the past to provide acceptable levels of service".

The EIR Understates Noise Impacts

The EIR discloses that construction noise will be significant. However, operational noise impacts are understated. Noise from the parking garages and from even one helicopter flight during the nighttime hours will be significant. These transient but extremely noisy events should not be averaged over a 24-hour period to mask their true effect. The EIR does not provide adequate mitigation to address operational noise impacts.

AA-14

Installation of double paned windows on homes impacted by construction and helicopter noise, as well as other measures identified in this comment letter, would significantly reduce but not eliminate noise impacts.

AA-15

Failure to evaluate and disclose the project specific and cumulatively significant land use compatibility impacts of the proposed project

The project will generate significant compatibility impacts with respect to the surrounding residential area, significantly degrade the quality of life for the Oak Park residents, significantly interfere with the use and enjoyment of our property, potentially damage our property, effect our health (through dust, equipment emissions and noise) and significantly diminish property values during and possibly after construction. This impact has not been disclosed in the EIR and adequate mitigation has not been identified to reduce this impact to the maximum extent feasible. Significant land use impacts result when each of the following individual issue area impacts are considered on an additive basis:

AA-16

EIR identified Significant and Unavoidable Impacts affecting the surrounding residences

- ◆ Significant long-term Air Quality emissions (known to result in adverse health effects)
- ◆ Cumulatively significant Air Quality emissions
- ◆ Long-term noise impacts due to helicopter operations (known to result in adverse health effects)
- ◆ Construction noise and vibration impacts (9+ years)
- ◆ Long-term Transportation and Circulation Impacts (including all major intersections used by area residents to move to and from their homes)

AA-17

EIR identified Significant but Mitigable Impacts affecting the surrounding residences

- ◆ Long-term Impacts to Localized Wildlife/Avian Habitat⁵

⁵ DEIR page 6-10, "...it would take many years for the tree and plant species to grow to similar sizes and provide a similar level of urbanized avian habitat. New oak specimens planted at the site would take decades to reach maturity and provide acorns for the acorn woodpeckers and western scrub-jays currently found on the site."

"Also because of the difference between existing and proposed species, there is the potential that the increased number of trees to be planted would not result in corresponding increase in tree cover".

- ◆ Construction-related impacts to Localized Wildlife
- ◆ Construction-related impacts to nesting birds
- ◆ Construction-related impacts to Oak Trees
- ◆ Project specific and cumulative Long-term Increased Hazardous Waste
- ◆ Project specific and cumulative Long-term Medical Waste Impacts
- ◆ Long-term Public Security Impacts at the Parking Garages
- ◆ Long-term Aircraft Safety Impacts
- ◆ Construction Related Hydrology Impacts
- ◆ Project Long-term Transportation and Circulation Impacts
- ◆ Construction-related pedestrian circulation impacts
- ◆ Long-term Glare Impacts
- ◆ Specific Plan and Cumulative Long-term Lighting impacts
- ◆ Construction view impacts
- ◆ Project and cumulative construction lighting impacts
- ◆ Specific Plan and Cumulative construction Aesthetic/Compatibility impacts

EIR identified Adverse Impacts affecting the surrounding residences

- ◆ Long-term Diesel Toxics
- ◆ Demolition and Grading impacts
- ◆ Long-term Vehicular Traffic Noise
- ◆ Long-term Parking Structure Noise (improperly classified as a less than significant impact)
- ◆ Long-term Combined Noise Impacts
- ◆ Specific Plan and Cumulative Noise Impacts
- ◆ Construction Utility Line Impacts
- ◆ Project Long-term and Cumulative Castillo Street Closure
- ◆ Long-term and Cumulative Impacts to Neighborhood Streets
- ◆ Construction related neighborhood traffic impacts
- ◆ Project Long-term Aesthetics/Compatibility Impacts (improperly classified as a less than significant impact)
- ◆ Long-term Exterior Lighting Impacts (improperly classified as a less than significant impact)
- ◆ Long-term Interior Lighting Impacts

Implementation of the mitigation measures identified in this comment letter would help to minimize the significant land use conflicts.

The EIR fails to analyze impacts of the Rezone from Medical Commercial to Hospital

The rezone to the hospital zone district eliminates the important conditional use permit (CUP) land use compatibility findings required for approval of a hospital in the C-O zone

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AA-18

district. Further, the rezone also adds land uses that are currently not allowed (e.g., a stand alone parking structure) within the C-O zone district.⁶

A conditional use permit is usually required to provide for uses that are essential or desirable (such as the hospital), but cannot be readily classified as principally permitted uses in an individual zone district by reason of their special character, uniqueness of size or scope, or possible effect on public facilities and/or surrounding uses. Many, in fact most, conditionally permitted uses are not temporary uses but are permitted through the CUP process because the CUP provides a vehicle to condition the use to avoid detrimental effects to the neighborhood and to establish through the CUP findings that the use would not be incompatible. These effects are generated by an intensity of use that cannot be reasonably foreseen within an individual zone district. In a January 7, 1988 staff report prepared for the hospital's Lithotripter staff noted, "Cottage Hospital operates under a CUP which allows more intense and varied medical related activities and services." This is compared to other medical uses allowed by right in the C-O zone district. The staff report goes on to state, "the General Plan text explains the importance of protecting the residential character of the neighborhoods surrounding the Cottage Hospital area". The Lithotripter was found to be a compatible use because it was not visible from surrounding streets and was to be located within the existing Cottage Hospital complex.

The magnitude and intensity of services as well as operation of the hospital and its attendant parking facilities 24 hours per day 7 days clearly necessitate that specific land use compatibility findings such as those currently required for a conditional use permit be included in the zone district/Specific Plan. The majority of the doctor's offices and supporting medical uses in the Oak Park area do not operate at night or on the weekend, do not have ambulances and other emergency vehicles servicing them, do not include heliports, and do not have special events (e.g., health fair, baby fairs, etc).

From a more practical standpoint, the intent and findings for a conditional use permit appear to be significantly more stringent than those for a Development Plan approval, particularly with respect to neighborhood compatibility. For example, as specified in the zoning ordinance, under a conditional use permit, setback requirements for individual projects shall be established by the Planning Commission by increasing the basic setback requirements of the zone in proportion to the mass of the proposed building or buildings. No such requirement exists for a DP alone or is included in the proposed hospital specific plan or zone district.

The following important CUP findings are not required for approval of a development plan:

"Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved;"

⁶ By example the following zone district specifically lists stand alone parking facility as a permitted use: P-D, C-P, C-2, H-C, OM-1 and HR C-2 with a conditional use permit.

"The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided."

"The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area..."

Comparatively, the single compatibility finding required for approval of a development plan states:

"The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood"

This finding can be overridden if it is determined that the economic, social or public benefits of the proposed development outweigh its significant adverse impacts.

AA-18

The requirement for a CUP has not interfered with Cottage's ability to provide a wide array of health care services, but has provided some minimal level of protection to the surrounding residential neighborhood. The 1970 General Plan Amendment and rezoning of properties in the Oak Park area made it clear that it was the City's goal to protect the residential character of the neighborhoods surrounding the Cottage Hospital area. In that report the General Plan text was amended to include the following statement:

"Care should be taken in drafting and applying zoning for medical facilities in this area that development standards and limitations are adequate to create and preserve a compatible relationship between the medical facilities and the residential uses which will be adjacent to them."

The 1970 Staff Report suggested that amendments to the development standards in the C-O zone were needed to ensure that the introduction of medical offices into and adjacent to residences would not serve to change the character of the residential areas. Except for the addition of additional language to the intent section⁷ of the Specific Plan/zone district (which is lifted from the C-O zone district), the proposed zone district and elimination of the CUP findings goes in the complete opposite direction of the prior GPA and rezoning effort with respect to land use compatibility with the adjacent residences.

The EIR inaccurately concludes that visual impacts would be less than significant

AA-19

The EIR's statement on page 1-87, that "the design of the project integrates the proposed structure into the fabric of the adjacent neighborhood" is a more a public relations

⁷ "This zone also strives to provide a desirable living environment by preserving and protecting surrounding residential land uses in terms of light, air and existing visual amenities."

statement than impact statement. The project will in fact represent a significant change to the visual quality of the Oak Park area. Because of the festivals at Oak Park, the area is a gateway to the city. The impact is characterized as less than significant even though the project will remove 324 trees, will result in a 60 foot high, 2 block long new hospital building (the current height limit is 45 feet and most buildings are 30 feet or less) attached to an existing structure that in non-conforming as to height, two new parking garages with over 1,200 parking spaces and over 200,000 square feet each within 100 feet of residences. The project will introduce buildings of a height that typically associated with the City's commercial business district, which is more distinctly separated from adjacent residential areas.

AA-19

How many of the proposed 109 protected trees will really survive the construction? The EIR assumes the treescape will be comparable to what is being lost but the biological impact assessment states, *"it would take many years for the tree and plant species to grow to similar sizes and provide a similar level of urbanized avian habitat. New oak specimens planted at the site would take decades to reach maturity and provide acorns for the acorn woodpeckers and western scrub-jays currently found on the site."* *"Also because of the difference between existing and proposed species, there is the potential that the increased number of trees to be planted would not result in corresponding increase in tree cover"*.

AA-20

A partial mitigation for this significant visual impact would be to reduce the existing visual clutter in the neighborhood by removing overhead transmission lines throughout the neighborhood not just immediately adjacent to the new hospital. Everywhere a transmission line or telephone pole is removed a new tree could be planted rather than shipping the replacement trees to Skofield park as suggested in the EIR.

AA-21

The Cumulative Impact Analysis is Inadequate

While each section of the EIR contains a cumulative impact discussion, the analysis is cursory and does not reference a list of project or adopted plan that forms the basis for the cumulative impact discussion. "The requirement for a cumulative impact analysis must be interpreted so as to afford the fullest possible protection for the environment within the reasonable scope of the statutory and regulatory language." *Citizens to Preserve Ojai v. Board of Supervisors (1985) 176 Cal.App3d 421, 431-32.* Specific projects such the proposed expansion of the Diabetes Center, the proposed new Cancer Center, additional development at Samarkand, the proposed new condominium unit project on Castillo Street between Los Olivos and Padre Street are just a few of many projects that must be included on the cumulative project list. At least two new condominium developments are under construction on De la Vina Street between Constance and Mission Street that must be included in the cumulative traffic analysis in addition to the projects occurring within blocks of the hospital. The EIR must also consider the cumulative impacts resulting from the potential closure or change in use of Goleta Valley Cottage Hospital. This project is under the same time line with respect to seismic upgrading yet no application has been submitted to the City for the required upgrades. Therefore it is reasonable to assume that

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this hospital will be closed and inpatient and outpatient services will be directed to SBCH.

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In addition to cumulative impacts related to pending and recently constructed projects. The EIR must include a discussion of past actions that have resulted in cumulatively significant impacts. "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present and reasonable foreseeable probable future projects." (CEQA Guidelines, section 15355, subd, (b)).

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The cumulative change in the visual qualities of the Oak Park neighborhood is significantly underestimated in the EIR. With respect to past actions that have degraded the visual quality of the area, the Historic Report prepared by Preservation Planning Associates⁸ on behalf of Cottage includes the following statements regarding historic visual changes:

"The area around the hospital historically was a working class neighborhood filled with small bungalows and cottages dating from 1910 to 1930. The construction of the Sansum Clinic in 1948 and the expansion of the hospital in the 1960s changed the residential face of the neighborhood. The block most altered by this expansion was the "West" block bounded by West Pueblo, West Junipero, and Castillo Streets and Oak Park Lane, where the hospital removed all but four bungalows to construct medical facilities. The south side of West Pueblo Street between Oak Park Lane and Castillo Street was also affected, as the houses were replaced with medical buildings..."

AA-25

"Therefore the historic visual character of the neighborhood has been compromised."

The analysis goes on to state: "The one remaining area which retains the flavor of the earlier historic residential neighborhood is the small enclave of houses along Parkway Drive, which has the potential to be affected by the proposed parking garage on West Pueblo Street, depending on its size, bulk, scale and setbacks."

It is clear that there has been a cumulatively significant adverse change in the visual quality of the Oak Park neighborhood, to which Cottage's proposed project will further contribute. This impact has been improperly classified as an adverse but less than significant (Class III) impact in the DEIR.

While there is feasible mitigation to reduce but not eliminate this cumulative impact, no measures have been included in the EIR. Feasible measures include reducing the visual clutter of the project area by eliminating overhead transmission lines throughout the neighborhood, by consolidating and where appropriate removing street signs, by increasing green space along streets and by additional street tree planting throughout the

AA-26 ↓

⁸ Preservation Planning Associates, June 20, 2003. Letter Addendum to the "Historic Structures Report for the Cottage Hospital Master Plan" prepared by San Buenaventura Research Associates.

neighborhood, by improving the visual qualities of the Mission Creek Corridor and by committing city funds to help property owners enhance the visual quality of their properties and thus enhance the overall neighborhood appearance.

AA-26

In past presentations by the project architect it has been implied that the intent of the landscaping for the Pueblo Parking Garage is to make the structure "disappear". Who will be there to ensure that this objective is achieved over the long-term?

AA-27

The EIR does not address Issues related to Environmental Justice

As noted in the historic resources report referenced in the EIR, the Oak Park Neighborhood has been a working class neighborhood for almost a century. Because the neighborhood will be significantly affected by the hospital's reconstruction efforts, issues of environmental justice must be addressed in the EIR. As quoted from the Environmental Protection Agency, "environmental justice is achieved when everyone, regardless of race, culture, or income, enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work."

AA-28

Inadequacy of Mitigation Measures

The following mitigation measures involve future studies and do not adequately meet the test of mitigation under Sundstrom vs. Mendicino.

AA-29

N-2 Annual Helicopter Operation Evaluation. This measure does not specify actions to be taken after the evaluation is conducted.

N-3 Helicopter Activity Records. This measure does not identify alternatives that would be available for the Planning Commission to consider.

N-8 Prepare a Crack Survey and Video Reconnaissance. This measure does not provide for corrective actions if damage is noted.

AA-30

PF 9-2 Aircraft Safety. This measure is merely a restatement of the project description and does not offer any additional reduction in impacts.

AA-31

HAZ-8 Helipad. This measure does not provide any additional reduction in possible aircraft hazards.

AA-32

HAZ-10 through 12: These measures all require future additional studies that are scheduled to occur outside of the EIR review process.

AA-33

PF 10-6. This measure is a restatement of the project description and does not offer additional mitigation.

AA-34

HYD-10 Flood Hazard Reduction Plan. This measure defers the specific identification of measures to prevent flooding during construction to post project approval outside of the EIR review process. Since no measures are identified it cannot be concluded that impacts are reduced to a less than significant level.

AA-35

TRF-8 Construction Management Plan: This measure defers identification of specific routes and actions to minimize impacts to pedestrians during construction to a time outside of the EIR review process. Because the routes and other information are not

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provided it cannot be concluded that impacts would be reduced to a less than significant level.

AA-36

A large majority of the remaining mitigation measures are standard conditions required by other regulatory agencies, and the presumption that these measures alone are sufficient to reduce impacts is not supported by information contained in the EIR.

AA-37

The Project is Inconsistent with the Clean Air Plan and City Transportation Policies

The project is inconsistent with the following CAP policies:

Cities and unincorporated communities should incorporate appropriately located compact development at densities that reduce trips and travel distances and encourage the use of alternative forms of transportation.

Local planning agencies should encourage walking and transit use by planning neighborhoods and commercial centers at densities to allow for convenient access to, and use of, local and regional transit systems.

The mixing of compatible commercial and residential land uses should be encouraged when it will reduce dependence on the automobile or improve the balance between jobs and housing without creating incompatible land use relationships.

Implementation Strategies

AA-38

Develop incentives to encourage housing affordable to the work force to be developed as part of large commercial projects and establish standards that ensure the quality of the residential environment.

Require new major residential subdivisions or specific plans to dedicate and improve land for parks and recreation facilities that can be accessed by foot or bicycle from the surrounding neighborhood.

Adopt programs that encourage new and existing employment centers to provide facilities to reduce employee dependence on private auto commuting. Examples include on-site day care, cafeteria or food vending facilities, comfortable lunch room or outdoor eating area, employee showers and lockers and secure bicycle parking.

Provide safe and efficient pedestrian and bicycle connections between residential and commercial land uses.

Local planning agencies should encourage walking by planning for existing and new residential and commercial areas to include a safe and interconnected street system with adequate sidewalks and/or pedestrian trails.

Local planning agencies should develop pedestrian- and bicycle-friendly design standards that apply to all residential and commercial projects.

Local planning agencies should endorse the concept of managing the supply of automobile parking as a means to support and promote the use of alternative transportation modes.

Implementing Strategies

In commercial areas, jurisdictions should adjust existing standards to:

- 1. Eliminate minimum parking requirements, or allow 20 percent reductions in the amount of motor vehicle parking for commercial sites that have prepared trip reduction plans.*
- 2. Require surface parking lots to be located behind buildings or interior to the block.*
- 3. Require large parking lots to be broken up into blocks no more than 300 feet on a side, complete with curb, sidewalk, and street trees.*
- 4. Encourage locating parking within or beneath buildings.*
- 5. Encourage first floor retail shops on the street sides of parking garages.*

AA-38

The project is inconsistent with the following Circulation Element Policies:

Goal 2 Strive to Achieve Equality of Convenience and Choice Among All Modes of Transportation – Emphasize alternative modes in order to provide real options and opportunities for people to choose among different forms of transportation rather than relying exclusively on the automobile.

Goal 3 Increase the Availability and Use of Transit – Support the increased use and availability of transit.

Goal 4 Increase Bicycling as a Transportation Mode.

Goal 5 Increase Walking and Other Paths of Travel By Expanding the Existing Positive Pedestrian Environment, the City could Encourage housing within the Downtown area to enable employees to live near where they work.

Goal 6 Reduce the Use of the Automobile for Drive-Alone Trips...the City will support programs that encourage increased vehicle occupancies and trip reduction in order to enjoy the quality of life that currently exists.

Goal 7 Increase Access by Optimizing Parking Citywide – Develop and implement innovative parking management strategies and a master parking plan that is consistent

AA-39

with the scale of surrounding neighborhood land uses, supports the land uses of the General Plan, and further the goals of the Circulation Element's Vision Statement.

Implementation Strategy 7.2.7 Develop methods to optimize the use of on street parking...allowing design flexibility and building siting that enhances the use of alternative means of travel...increasing the availability and use of alternative means of travel to reduce the demand for parking spaces.

Policy 7.4 The City shall update its Parking Requirements and Design Standards to optimize its parking resources and to encourage increased use of alternative transportation.

Implementation Strategy 7.4.1 Incorporate innovative design standards, such as tandem parking, stacked parking, and valet parking.

The project is inconsistent with the goals, policies, and implementation strategies listed above. The EIR documents that operational air quality emissions will be significant and unavoidable yet the project design and the EIR mitigation measures do little to reduce single occupancy vehicle trips and, in fact the EIR suggests that additional parking spaces (which encourages more vehicles) need to be provided. The project is solely relying on massive parking structures to meet its demand rather than pursuing an aggressive alternative transportation program. It appears that Cottage is abandoning its use of shared parking opportunities and valet parking, which maximize the use of existing parking. Cottage is not pursuing housing opportunities that will allow its workforce to live within walking distance of the hospital and there has been no discussion of providing van or other alternative transportation between the St. Francis housing site and the hospital.

AA-39

The closure of Castillo Street will significantly decrease pedestrian, bicycle and vehicular travel options and disrupt the Oak Park Area grid system. The project discourages and provides a significant impediment to pedestrian travel within and through the neighborhood. The additional traffic load on the adjacent streets (significant and unavoidable increase at three intersection entering into the neighborhood), the closure of Castillo, and lack of dedicated bicycle lanes will impede and discourage bicycle commuters. Finally, the bulk, size, scale and location of the parking structures are not compatible with the surrounding long standing working class residential area.

Councilman Dan Secord was recently quoted in the Santa Barbara News Press⁹:

"We cannot go on in this era of dwindling fossil fuels driving single-occupancy vehicles, clogging the air. You have to have an active, assertive, robust transportation system to move people".

With over 1,600 employees, if this is not the project to implement this principal, what is?

⁹ Santa Barbara News Press, November 27, 2004, "Search for new MTD directors may widen".

Because of the deficiencies noted the EIR must be recirculated

It is not my intent to lengthen the review process. I would prefer that money and effort be put into mitigating the significant environmental effects of the project rather than writing about them. However, with the deficiencies noted above the DEIR must be revised and recirculated pursuant to CEQA section 15088.5 (PRC 21092.1).

AA-40

II. COMMENTS ON THE IMPACT ANALYSES

Page 3-1: The EIR must provide a definition of trauma. Is the helipad required to achieve a designation of a Level 2 trauma center?

AA-41

Page 3-3, first paragraph, 2nd sentence: The licensed bed count of 456 is not an appropriate baseline (see prior comments).

AA-42

Page 3-3, 3rd Paragraph: The EIR must identify the number of employees by shift or by daytime versus night shift.

AA-43

Page 3-3, 4th Paragraph: The EIR does not substantiate the statement that the enlargement of the hospital is solely to meet OSHPD standards for patient rooms and to provide room for diagnostic equipment.

AA-44

Page 3-7, 1st Paragraph: It should be noted that at least 4 of the parcels within Land Use Area C were purchased within the last two years in anticipation of hospital expansion. The duplex bungalow on Castillo Street (between Los Olivos and Pueblo Street) was used as a two family residence up until its purchase by Cottage Hospital for more than \$900,000. The EIR must note that a number of residences are present on Parkway Drive in addition to the single-family residences on Oak Park Lane and Los Olivos Street.

AA-45

Page 3-7, 3rd Paragraph: It should be noted that several parcels within the C-O were intentionally rezoned out of C-O to protect the residences. To provide a context on the neighborhood surrounding the hospital, the EIR must identify the number of residences and the number of residents within the Oak Park neighborhood.

AA-46

Page 3-7, Section 3.4, 1st Paragraph: The EIR states that "the completed project is intended to provide the City with a modern, state of the art, seismically compliant hospital in accordance with State requirements". It is unfortunate that the project is equally not being designed to be state of the art with respect to land use by placing the parking garage underground, by developing workforce housing within the Oak Park neighborhood and by reducing the project's reliance on single occupancy vehicle trips.

AA-47

Page 3-9, Specific Plan: As noted in the general comments, it is not clear how you can accurately evaluate the environmental impacts without details of the plan. What conditions or findings are being included in the Specific Plan "to protect a desirable living environment" for the residences surrounding the Specific Plan area? The objective of the Specific Plan should be to protect surrounding residential properties in terms of

AA-48

light, air, noise, and existing visual amenities and specific development standards should be included in the EIR to meet this objective. The EIR should note that the objective of the R-3 zone district (which is immediately adjacent to Land Use Area C is “to develop and sustain a suitable environment for family life and to prohibit activities of a commercial nature and those which would tend to be inharmonious with or injurious to the preservation of a residential environment”. The noise, emissions, and nighttime lighting associated with the Pueblo Parking garage would be inharmonious and injurious to the residences within the Land Use Area C. Given the overall size of the Pueblo Parking garage (200,000+ square feet), the Specific Plan must set a maximum height limit of 30 feet for Land Use Area C and establish a minimum setback of 84 feet 1 inch to the first above ground level of the garage to the residential property boundaries of the homes along Parkway Drive. The amount of required open space should also be increased above 20 percent. The minimum interior yard setback for the childcare facilities must be 10 feet or ½ the height of the building which ever is greater. The maximum height of the day care facilities must not exceed 30 feet.

AA-48

AA-49

AA-50

Page 3-11, Development Plan, 2nd Paragraph: The EIR must clarify why this section indicates that only 310 patient rooms would be developed. Why is this different than the proposed licensed bed count of 337 beds? The last sentence needs to be clarified with respect to bed occupancy rates. Is the current bed occupancy rate ~52 percent of the licensed bed count or the actual physical bed count. Is the projected bed count 70 percent of the licensed bed count? What is the expected occupancy if GVCH closes?

AA-51

Table 3.D. fails to include the proposed square footage of the parking garages and the day care facilities.

AA-52

Page 3-13, 3rd Paragraph: The EIR must disclose that the current height limit of the C-O zone district is 45 feet and the proposed new hospitals buildings and the new zone district would allow the buildings to be 15 feet greater than the existing maximum height limit. It should also be disclosed that the existing hospital is non-conforming with respect to its height. Footnote 1 should disclose that 3 residences would be demolished.

AA-53

Page 3-14, Helipad and Elevator Tower: The EIR does not provide an adequate description of the helicopter flight path. Who owns and operates the medivac helicopters? Who makes the decision to use air rather than ground transport? What will be the flight approach and departure angle, speeds, and height? What wind speed will trigger use of the windy day flight path? How often is it expected that use of this flight path will be required? Who will be responsible for ensuring adherence to the designated flight path? What will be the consequences if the pilots violate the approved paths? Who will be the point of contact to report flight path violations?

AA-54

Why is the elevator tower 27 feet taller than the proposed helipad?

AA-55

Page 3-15, Parking Lots/Structures: 1st Paragraph, What specific uses have been allocated 75 parking spaces from what the EIR has determined to be Cottage's already substandard parking supply? Why aren't the parking spaces available at the Cottage owned Fletcher

AA-56

building (17+ spaces) and Outpatient Surgery (83 spaces) included in the existing and proposed parking supply?

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Page 3-15, Pueblo Parking Structure: The EIR fails to disclose the total square footage of this facility. The EIR fails to include adequate details regarding the proposed Pueblo Parking Garage, which has been specifically modified by Cottage to improve but not eliminate land use and visual compatibility impacts with the historic residential neighborhood on Parkway Drive. The EIR project description must include the specific setbacks, height, and massing proposed. Reductions in these setbacks will significantly increase noise, visual, lighting, and compatibility impacts.

AA-57

The discussion on the page states that the Pueblo Parking Structure would be Spanish in style. However, at the ABR meetings for the project, Cottage architect has stated that the architecture of the hospital would only be extended to the Pueblo Parking Garage at the corners and the remainder of the structure would be "honest" (e.g., it would look like a parking garage). As one of the ABR meetings in November, there was no intent to plaster the garage or even provide color to the grey concrete. This architectural treatment is inconsistent with the current architectural treatment of every garage in the downtown area and with the Cottage's existing garage at the corner of Pueblo and Oak Park Lane.

AA-58

According to the parking analysis contained in the EIR (Table 13.L), the demand for visitor parking will be 313 spaces, the Pueblo parking garage is proposed to provide parking for 635 spaces, 322 more spaces that needed to serve the public. It should also be disclosed, that Cottage intends to allow employees on the night shift to park in this structure so as to reduce safety impacts to its employees parking at the more remote Knapp Garage.

AA-59

Page 3-16, 1st Paragraph: It is impossible to demonstrate that there exists a 95 foot setback to the closest single family residence since none of the maps which include the parking structure show the adjacent residences. To my knowledge the closest distance to the boundary of any residentially zoned property is less than 95 feet.

AA-60

Page 3-16, Child Care Center: While the child care center is a compatible use with the adjacent residences, the EIR fails to identify the proposed hours of operation and to specify the maximum height of the facilities.

AA-61

Page 3-16, Infrastructure Improvements: The EIR must disclose if the relocation of utilities will result in any disruption of services to surrounding uses and the duration of the disruption. To reduce visual impacts and improve helicopter safety, overhead facilities must be under grounded through out the Oak Park Neighborhood.

AA-62

AA-63

Page 3-17, Landscaping: The EIR must disclose how much of the newly proposed landscaping will be accessible or even visible to the public at large (not visiting or using the hospital facilities). What percentage of each of the Specific Plan land use areas will be comprised of green space? According to the Specific Plan Development, open space/landscaping, which is required to comprise 20 percent of the gross area, can consist

AA-64
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of patios, walkways and open space that may not be green space. How much actual green space is the project providing compared to the current green space. According to page 10-24, the proposed project would only reduce impervious surfaces in the project area by 1%.

AA-64

The EIR states that 109 trees are proposed to be protected. For how many of these trees will construction activities encroach into the critical root zone or require lambing? How many of these trees are expected to actually survive construction.

AA-65

Page 3-19, Construction/Demolition: Nighttime and Saturday construction places a significant burden on the residents and must be strictly controlled. It is also inappropriate to have the construction staging areas adjacent to the residential properties. The EIR notes that the staging area for the Pueblo Parking Structure would be located in the space designated for the future childcare site. Four residences directly border this site and staging in this location will worsen the already significant noise impacts experienced at the adjacent homes. Further the designation of this area as a staging area conflicts with Table 3-F, which states the staging area for phase 1B will be located adjacent to and west of the existing Childcare Center.

AA-66

AA-67

To be truly adequate, the construction management plan should include the following:

- ◆ A 24-hour telephone contact to a live person who can be responsible for stopping construction not just a recorded hotline.
- ◆ Monthly or, at a minimum, quarterly meetings to go over the status of construction and to preemptively address issues that have arisen during construction.
- ◆ Compensation for any damages caused by construction activities including dust accumulation
- ◆ Notification and compensation for utility interruptions.
- ◆ Restrictions on construction activities on Saturdays and evenings
- ◆ Reopener provisions to allow additional mitigation measures to be added to mitigate for unforeseen impacts or to address impacts that were underestimated.

AA-68

Page 3-25, Development Agreement: No specifications of the Development Agreement are provided in the DEIR. The Specific Plan as well as the Development Agreement is a part of the proposed project. Details of the Agreement must be provided in the DEIR and the impacts of the agreement must be assessed. Since Cottage is requesting abandonment of the Castillo Street easement and a locking in of the City's environmental and land use regulations through a Development Agreement, the City and the neighborhood should also benefit from the Hospital's expansion. The Development Agreement is the primary opportunity for the City to negotiate for improvements that go above and beyond those directly required to mitigate for the project's environmental impacts or comply with the City's requirements.

AA-69

Figure 3.4, Proposed Site Plan and Specific Plan Area Boundary: The map fails to depict the residences located in the R-3 zone district immediately adjacent to Land Use Area C including nine residences located along Parkway Drive and Los Olivos Street.

AA-70

Figure 3.6, Conceptual Landscape Plan: The map does not include a legend or a proposed species list and does not identify the size of the proposed replacement trees. At an ABR meeting earlier this year, Cottage requested that the ABR allow for significant reductions in the proposed container sizes of the replacement trees/plants.

AA-71

Figure 3.8, Conceptual Lighting Plan: This plan doesn't actually appear to show any lighting for the Pueblo Parking Garage.

AA-72

Figure 3.11, Demolition Areas: Will the structures located in the rear yard setback of Lot 3 and the Maseda property also be demolished?

AA-73

Page 4-4, 3rd Paragraph: The following conclusion included in the DEIR which states "the nature of changes proposed as summarized above would not result in a substantial change in land use character or allowable development intensity" is inaccurate and not supported by the evidence in the DEIR and is contrary to past actions and findings made by the City. The proposed Specific Plan increases the maximum allowable height, decreases setbacks, allows an increased intensity of use, and eliminates important CUP compatibility findings. Please refer to my introductory comments regarding land use compatibility and impacts of the rezone.

AA-74

Under separate cover it is my intent to provide suggested changes to the proposed Specific Plan and zone district to ensure compatibility of Land Use Area C with the adjacent residential area.

AA-75

The DEIR should specify the exit location where the setback from the Pueblo Parking Garage will be located within 4 feet 11 inches. This represents a significant reduction in the C-O zone district setback requirements.

AA-76

Page 4-5, 4th Paragraph: The project is inconsistent with the following Land Use Element Policies:

"Require landscaping and maintenance in all developments. Limit the removal of substantial trees."

The project will remove 324 trees and proposes to preserve an additional 109 trees. Many of these trees proposed to be preserved may not survive construction. The removal of this many mature trees, including 29 oak trees would not be consistent with this policy. Although replanting of the trees is proposed, as noted in the biological resource impact analysis *"it would take many years for the tree and plant species to grow to similar sizes and provide a similar level of urbanized avian habitat. New oak specimens planted at the site would take decades to reach maturity and provide acorns for the acorn woodpeckers and western scrub-jays currently found on the site."*

AA-77

“Also because of the difference between existing and proposed species, there is the potential that the increased number of trees to be planted would not result in corresponding increase in tree cover”.

AA-77

The project as currently proposed is inconsistent with this policy. To be consistent with this policy, replacement trees should be of a significant size (15 gallon, 24-inch box) and every opportunity should be exhausted to replace trees directly within the Oak Park neighborhood. In addition, where ever possible hardscape should be eliminated and replaced with new greenscape.

AA-78

“Recognize the tremendous threat to the community’s environment that is presented by all forms of pollution and institute strong programs for the elimination of such abuses, regardless of cost.”

Although the project will result in significant air quality emissions, the DEIR suggests that additional parking is required. Rather than suggesting additional parking the city should place a greater reliance on Cottage’s TDM and available parking at its other facilities (e.g., Fletcher Building, Out Patient Surgery building) program to account for the purported shortfall in parking and to reduce air quality emissions. The project will result in unavoidable construction and operational noise impacts. In order to find consistency with this policy construction on the weekends or at night should be prohibited or limited. If it is absolutely necessary to construct outside of the City’s standard construction hours any weekend construction must not begin before 9:00 am.

AA-79

AA-80

“Maintain the building height limits currently contained in the City Zoning Ordinance”

The project is not consistent with this policy. The proposed Specific Plan and rezone would introduce height limits that are currently only allowed, for example, within the following commercial zone districts C-2, M-1 and C-M. To mitigate for the significant visual changes resulting from the Specific Plan and rezone mitigation measures must be included in the EIR to enhance the visual qualities of the neighborhood. These measures could include under grounding overhead transmission lines throughout the neighborhood.

AA-81

“Sites of significant archaeological, historical, or architectural resources will be preserved and protected wherever feasible in order that historic and prehistoric resources will be preserved”.

On page 4-8, 2nd paragraph, the DEIR states, *“the proposed project would allow the surrounding neighborhood to retain its historic character through incorporation of architectural features that will greatly reduce the possibility of visual impacts”.* The discussion in the DEIR must include the information contained in the Historic Report (Preservation Planning Associates page 8) that provides better justification regarding the finding that the project is consistent with this policy, in particular with respect to impacts to the 1920’s residential neighborhood along Parkway Drive and Los Olivos Street. The

AA-82

Historic Report prepared by Preservation Planning Associates¹⁰ on behalf of Cottage includes the following statements regarding historic visual changes:

“The one remaining area which retains the flavor of the earlier historic residential neighborhood is the small enclave of houses along Parkway Drive, a small dead-end street off Los Olivos Street adjacent to the proposed Pueblo Street garage.” The original report submitted to the city dated June 20, 2003, went on to state *“has the potential to be affected by the proposed parking garage on West Pueblo Street, depending on its size, bulk, scale and setbacks.”* The revised study included the following conclusion, *“the proposed plan for the West Pueblo Street garage, as shown on sheets PK 1.21 and PK 3.21, dated October 15, 2003, indicates that there is sufficient setback from the Parkway Drive houses so that there will not be an impact to the potential historic neighborhood. The Day Care Center abutting the garage on the south side and adjacent to the Parkway Drive houses to the south and west, as shown on sheets A30, A31, and A32, dated October 20, 2003, consists of three one-story bungalows which are compatible in scale, massing, and design with the existing houses along Parkway Drive and Los Olivos Street. The garage rises to two stories behind the Child Care center, at distances of 72’ to 84’ from the Parkway Drive houses, and to three stories beyond a non-historic stucco box apartment on Oak Park Lane. Because the proposed buildings adjacent to the Parkway Drive houses are compatible in massing and style to the existing houses, and because the two-story portions of the garage are of sufficient distance from the existing houses, the proposed garage will not have a significant adverse impact on the historical visual character of the neighborhood.”* This plan includes the following components:

- ◆ The setback from the closest Parkway Drive residence to the first tier is 84 ft. 1 inch
- ◆ The height at the first tier (from the yard/grade at Child Care to the top of the 8 foot wall) is 23 ft. 3 inches
- ◆ The setback to the second tier is 143 ft. 7 inches
- ◆ The height at the second tier (from the yard/grade at Child Care) is 29 ft. 3 inches

If the project deviates from these setback and height limits, the project cannot be found consistent with this policy.

Page 4-10, Housing Element: The EIR should acknowledge that the project would result in the direct removal of 4 dwelling units (2 single family dwellings on Oak Park Lane and a single family dwelling on Castillo Street developed as a duplex).

Page 4-10, Circulation Element:

As noted in the introduction the project is inconsistent with several transportation goals and implementing strategies.

¹⁰ Preservation Planning Associates, June 20, 2003. Letter Addendum to the “Historic Structures Report for the Cottage Hospital Master Plan” prepared by San Buenaventura Research Associates.

AA-82

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AA-84

Page 4-11 and 4-12, Noise Element

The finding that the project is consistent with the Noise Element conflicts with the noise analysis contained in the EIR that demonstrates that noise impacts will be significant during construction and during operation as a result of helicopter operations. The statement that two nighttime helicopter flights is worst-case scenario that exceeds the proposed helicopter operations is an inaccurate conclusion. First, one helicopter flight during the evening will result in significant noise impacts to the adjacent residences and second Cottage has only provided an estimate of the number of anticipated flights not a proposed level of helicopter operation. Since the use of the helipad for emergency and trauma cases will not (and should not) be restricted and because the only the project will represent the only level 2 trauma center between Los Angeles and the San Francisco bay area, it is likely and reasonable probable that one night time flight will be exceeded. An article in Aviation Today¹¹ stated that air ambulances are becoming a “standard of care” in contemporary medicine. “As the standard rises, so do the number of inter-hospital transfers”. Measures that will reduce noise impacts to the maximum extent feasible and allow a finding of consistency with the Noise Element include the measures currently identified in the EIR and retrofitting residences affected by construction and operational noise with double pane/glazed windows as well as the construction of noise barriers/walls around the construction sites, particularly where the construction site immediately border residences.

AA-85

Page 5-9, Section 5.4.1: Isn't the project also a source of toxic air emissions (ethylene oxide from the on site sterilizer).

AA-86

Page 5-13, PF 5-2: According to the parking utilization study conducted for the applicant by Kaku and referenced in the EIR at best, only 10% of the employees use alternative transportation. This is compared to 20% participation by County's employees¹².

AA-87

Page 5-14, Section 5.6.1, Microscale CO Hot Spot Impacts: The EIR must evaluate the parking garages (particularly during shift changes) as potential CO hot spots.

AA-88

Figure 4.2: According to this map, Los Olivos Street between Mission Creek and De la Vina Street has a General Plan land use designation of “open space”.

AA-89

Page 5-16, Stationary and Mobile Source Emission Impacts: The EIR accurately concludes that stationary and mobile emissions of ROC and NOx would be significant. Additional measures that should be included in the EIR to further reduce this significant and unavoidable impact include requiring a employee shuttle between the proposed St. Francis employee housing project and the hospital site and requiring that Cottage investigate and pursue providing a patient shuttle (similar to the shuttle service provided by Sansum Medical Clinic) to reduce single occupancy vehicle trips. However, as evidenced by the parking utilization study the target population for reducing vehicle trips

AA-90

¹¹ Aviation Today, November 17, 2004. “In Search of a Good Neighbor”

¹² Personal communication with staff at Traffic Solutions.

must be the hospital's workforce and the doctor's who have privileges to use the hospital (identified in the Kaku study as having 100% parking utilization rate).

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AA-90

Page 5-16, Diesel Toxic Impacts: The EIR states "diesel exhaust particulate poses the highest cancer risk of any toxic air contaminant...". A reference must be cited to support the EIR's statement that "diesel fuel and diesel engines have already reduced emissions of some of the pollutants associated with diesel exhaust." Because of the presence of sensitive receptors in close proximity to the construction sites and the extended duration of construction period all feasible measures should be required to reduce diesel exhaust particulates. The measures identified to reduce emissions should be included in the construction contract specifications issued by Cottage. The measures listed in the two paragraphs on page 5-19 (above section 5.6.) should be included as numbered mitigation measures. Construction of the Pueblo Parking garage is scheduled to begin in Spring 2005 and would extend for nearly three years. This phase of construction will not benefit from the diesel particulate emissions reductions expected to occur with implementation of the Diesel Risk Reduction Plan. Are those reductions factored into the analysis of the diesel emissions included in the EIR?

AA-91

Page 5-21, Section 5.6.5: As noted in the introduction to this letter, specific cumulative projects are likely to occur during construction of the hospital and the cumulative air quality impacts must be assessed. When was the City's General Plan last updated for the project area? As noted in the introduction to this letter the project is currently inconsistent with the Clean Air Plan land use policies, particularly those related to parking and single occupancy vehicle use.

AA-92

AA-93

Page 5-23, Section 5.7.2: Roadways surrounding the project site should be cleaned of any sediment build up on a daily basis. On a daily basis I watch construction equipment leave the Granada parking garage construction site, track sediment on to adjacent streets and then watch as each car passing over the sediment entrains the material in its wheels and mobilizes the particulate matter creating a dust cloud.

AA-94

The mitigation monitoring plan must identify how measures AQ-12 and 13 and will be fully implemented and feasibly monitored.

AA-95

The EIR does not adequately assess the combined health effects from 9+ years of diesel and construction emissions, combined with operational and stationary source emissions.

AA-96

Page 6-6, Wildlife Species: Mission Creek represent an important wildlife corridor linking the ocean and the foothills.

AA-97

The EIR does not evaluate the potential for the project area to provide habitat for owls. A great horned owl has been observed in the past roosting in the external corridor near the hospital cafeteria and conference rooms E and F.

AA-98

Page 6-8, Section 6.5 Biological Resources: The first paragraph of this section states that the project Landscape Plan proposes an increase of approximately 79,814 square feet of

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green space. Just below this paragraph, the fifth bullet states the 79,814 square feet of landscaping includes hardscape. The EIR must clarify and provide accurate information regarding the proposed increase in greenspace and evaluate how much of this green space would be internal to the project and not available for wildlife. The EIR must consider and account for the potential loss of the 109 trees proposed to be preserved. How many of the trees will have their root zones affected by construction or require limbing? Every attempt must be made to preserve the significant oak tree located in front the former Human Performance Center. The EIR should clarify the proposed replacement tree sizes. At a recent ABR meeting, Cottage's landscape architect was requesting significant reductions in the size of replacement trees to reduce the project costs.

AA-99

AA-100

AA-101

The EIR should include a measure that requires special construction techniques (e.g., trench/excavation shoring) in the vicinity of any trees proposed to preserved that are within 20 feet of proposed construction. Cottage should also consider providing incentives or disincentives to its construction contractor to further protect trees proposed to be preserved. The contractor could either be provided a bonus for each tree that is preserved or could be fined for each preserved tree that is damaged or removed.

AA-102

Page 6-9, Section 6.6.1, Wildlife and Plant Species Impacts. The EIR must disclose the duration of time it will take the replacement trees to achieve an equivalent level of canopy and biomass value. Has an evaluation been conducted regarding the value of the proposed replacement trees and the additional 95 trees for wildlife and avian habitat?

AA-103

The temporal loss of the project area's mature tree canopy should be classified as a significant and unavoidable impact of the project. As a measure to mitigate wildlife and plant species impacts, the city should require that the landscaping plan be revised to ensure that a large majority of the replacement trees be native and or otherwise provide suitable wildlife and avian habitat and that the Mission Creek corridor be enhanced through the project site. This enhancement could include removal of invasive and non-native species in Oak Park and replanting with native species.

AA-104

Page 6-9, Section 6.6.1 Localized Wildlife/Avian Habitat Impacts. The EIR inaccurately characterizes impacts to wildlife/avian habitats as a less than significant impact. The temporal loss of 1.9 acres of mature tree canopy particularly in a densely populated urban environment represents a significant and unavoidable impact of the project. The EIR notes that it would take many years for the tree and plant species to grow to similar sizes and provide a similar level of urbanized avian habitat. New oak specimens planted at the site would take decades to reach maturity and provide acorns woodpeckers and western scrub jays currently found on the site. Further, the EIR states that because of the difference between existing site and proposed species, there is the potential that the increased numbers of trees to be planted would not result in a corresponding increase in tree cover. Since the EIR assumes that wildlife displaced by the project will use adjacent habitat areas, these adjacent areas should be enhanced to provide mitigation for this temporal loss. The enhancements could include invasive plant removal and habitat restoration of the Mission Creek corridor within and outside of Oak Park, additional street tree plantings and additional hardscape removal throughout the neighborhood, and

AA-105

a program to encourage additional tree planting on private residential and commercial properties within the neighborhood.

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AA-105

Page 6-19, 2nd Paragraph: It is not appropriate and will not benefit biomass, wildlife, or neighborhood aesthetics to plant new oak trees up to 1 mile away from the Oak Park Neighborhood or even further away in Skofield Park. A comprehensive evaluation should be conducted to identify suitable location directly within the neighborhood. In addition to the streets identified in the EIR in walking through my neighborhood I have observed additional opportunities for replanting on Alamar, Los Olivos, and De la Vina Streets.

AA-106

Page 6-19, 3rd Paragraph: The statement in this paragraph that the net increase in oak trees would result in a substantial benefit with the project site and surrounding Oak Park neighborhood is not supported by the information in the EIR. The additional oaks are being replanted at a replacement ratio, which hopefully ensures that over the long term one tree survives for every tree removed. In addition as noted in the EIR it may still take decades for the replacement trees to reach maturity and provide both wildlife and aesthetic benefit provided by the existing trees to be removed. Further 25 of these trees are proposed to go to Skofield Park miles from the project site and Oak Park Neighborhood.

AA-107

While I support the installation of larger replacement trees it most also be disclosed that these larger containerized plants often are root bound and may not survive or thrive over the long term. Consideration should be given to also including acorns and 1 and 5 gallon tube grown oaks in the planting palette particularly in the Oak Park where the immediate need for the biomass and aesthetic value may be less than in the immediate project vicinity. The one gallon trees should be in addition to those the replacement ratio and sizes already proposed.

AA-108

Page 6-24, Specific Plan Construction – Biological Impacts: The second sentence of the section states “The Specific Plan would have direct impact on Mission Creek” yet no mitigation is identified to reduce this impact.

AA-109

Page 6-25, Section 6.8 Summary of Biological Resource Impacts: The first and second sentences of the first paragraph are contradictory. The first sentence states “The proposed project is expected to result in potentially significant unavoidable impacts to biological resources”. If the impacts are significant and unavoidable how can the next sentence conclude they are mitigated to a less than significant level? Because it may take decades before the project area regains its current biological value, the residual impact would be significant and unavoidable. Measures such as restoring the Mission Creek Corridor, replanting all oak trees within the neighborhood, use of specialized construction techniques near preserved trees, and contractor incentive/disincentives to protect preserved trees would be necessary to reduce this impact to the maximum extent feasible. The residual impact would be significant.

AA-110

Page 6-25, Section 6.8, 2nd Paragraph: The significant and unavoidable impact to the Morton Bay Fig should be included as a Class I impact in the impact summary table.

AA-111

Section 7.0 Cultural Resources: The major flaw in this section is that the entire discussion of the impacts of the project to the 1920's residences along Parkway Drive contained on Page 7 and 8 of the "Letter Addendum to "Historic Structures Report for the Cottage Hospital Master Plan" prepared by Preservation Planning Associates (dated October 23, 2003) and included in Appendix D of Volume 2 is omitted from the analysis. While the analysis in the Letter Addendum now concludes that the project would not have a significant effect on this neighborhood, the conclusion is based on very specific elements of the revised project description noted previously in this comment letter.

AA-112

Any changes to the design, height, or proposed setbacks between the parking garage and the Parkway Drive residences would represent a significant impact. Because the Specific Plan allows a parking garage to occur throughout land use area C and does not identify specific setbacks to protect the Parkway Drive neighborhood, eliminates the visual and land use compatibility findings currently required for hospital related development in the C-O zone district, historic impacts would be potentially significant. Measures that would reduce the potential impact include including the current setbacks and height limits in the Land Use Area C development standards and/or creating a new Land Use Area D. The boundary of Land Use Area D would be coterminous with the current southern boundary of the parking garage and the allowable uses within Area D would be limited to the child care facilities or other uses that are clearly compatible with adjacent historic residential neighborhood.

AA-113

Page 8-13, Perched Groundwater Impacts: Additional information must be provided regarding the proposed permanent dewatering system. Where will this system be located, what noise levels are associated with the system? Where, how will water from the system be discharged?

AA-114

Page 8-14, Oversized Rocks: How will the presence of oversize rocks affect noise and vibration impacts? Are oversize rocks present in the area of the Pueblo Parking Garage? Crushing of the rock should not be conducted on site.

AA-115

Page 9-16, 2nd Paragraph: What is the proposed route for the transportation of hazardous materials and hazardous waste?

AA-116

Page 9-16, 4th Paragraph: The EIR's baseline regarding the future increase in inpatients is incorrect as noted in the introduction to this letter. In addition to actually increasing the number of beds physically available and the average occupancy of the beds, the turn over in the number of inpatients served is likely to increase.

AA-117

Page 9-21, Public Security Impacts: In addition, to the public security risk presented by the parking garages, the hospital also treats individuals either convicted of or being arrested for criminal activity. What measures will be taken to ensure that these individuals do not escape custody during treatment at the hospital?

AA-118

The EIR should acknowledge that there exists an unsupervised home of recently paroled registered sexual offenders within one block of the hospital. The presence of this facility increases the risk of criminal activity within the Parking Garages and the areas surrounding the hospital in general. I believe that one former tenant of this home was arrested in association with several sexual assaults in the Oak Park Neighborhood in the past. The City should investigate the legality of this unsupervised group home. Is this home being operated under a City issued conditional use permit?

AA-119

Page 9-22, 2nd Paragraph: To enhance security within the garages, most of the measures proposed within the hospital should be included in the parking garages including, video surveillance cameras (both in the interior of the garage and in exterior areas), security patrols, and two way call boxes. Requiring the parking garages to be operated with manned kiosk and concentrating parking in certain areas of the garages at night may also provide added security. Cottage or the City should consider funding enhanced law enforcement activities within the Oak Park Area and should provide additional street lighting within Oak Park Neighborhood (e.g., along Los Olivos Street between Castillo Street and Mission Creek).

AA-120

Page 9-22, Aircraft Safety Impacts: It is not clear how the standard conditions that will be required for operation of the helipad reduce aircraft safety impacts to a less than significant level. As noted in the EIR the flight path would pass over commercial and residential areas. The EIR must identify if the medivac helicopter proposed for use have been subject to accidents or failures in the past. Elimination of overhead transmission lines throughout the neighborhood would further reduce this potentially significant safety impact.

AA-121

Page 9-23, HAZ-8: Aren't hospital helipads/heliports permitted/regulated by the California Department of Transportation?

AA-122

Page 10-21, PF-3: Will storm water from the Pueblo Parking Structure discharge onto the street? What will be the change in water surface elevations along Los Olivos Street as a result of this discharge? Will residences along Los Olivos Street and Parkway Drive be subject to flooding as a result of this new discharge? What is the design storm for this system? What if there is a failure (e.g. blockage) of this single storm drain system? What if a storm event exceeds the design capacity of the system? What is the overland escape route for this system? Would the homes along Parkway Drive be flooded if this system fails?

AA-123

PF 10-4: County Flood Control normally requires that new development reduce flood flows to 75% of the predevelopment levels for the 2 to 100 year flood events. How has this requirement been incorporated into the project?

AA-124

PF 10-6: In this section, the EIR states that the project would provide an additional 69,000 feet of landscaping but in the project description the EIR (page 3-17) states that the project proposes an increase of approximately 79,184 square feet. Which number is correct?

AA-125